Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matters of	)	
	)	
Deployment of Wireline Services	)	
Offering Advanced	)	
Telecommunications Capability	)	CC Docket No. 98-147
	)	
And	)	
	)	
Implementation of the Local Competition	)	
Provisions of the	)	
Telecommunications Act of 1996	)	CC Docket No. 96-98

MOTION TO SUBSTITUTE CORRECTED PETITION FOR RECONSIDERATION

SBC Communications Inc., on behalf of itself and its subsidiaries, (collectively referenced as "SBC") requests the Commission accept this corrected Petition for Reconsideration in substitution for the Petition for Reconsideration filed in this proceeding on October 10, 2000. The attached version corrects typographical errors made with respect to pages 1, 6, 7 and 9. The substance of this Petition has not been changed by these corrections.

Respectfully Submitted,

SBC Communications Inc.

By Hope Thurrott

Hope Thurrott
Roger K. Toppins
Paul Mancini

1401 I Street NW 11th Floor
Washington, D.C. 20005
202-326-8891

Its Attorneys

October 11, 2000

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FEDERAL COMMUNICATIONS COMMISSION
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PETITION FOR RECONSIDERATION

SBC Communications Inc., on behalf of itself and its subsidiaries, (collectively referenced as "SBC") strongly urges the Commission to expeditiously reconsider its decision to impose a 90-day provisioning interval for physical collocation requests with respect to unconditioned space, non-standard requests and adjacent structures.[1] As described more fully below, for reasons not within the control of incumbent local exchange carriers (ILECs), a 90-day period generally fails to allow sufficient time to prepare and provide space which has not previously been conditioned for collocation. Nor can the 90-day interval be met in cases involving non-standard collocation requests

[1] Although not challenged herein, SBC does not agree than other aspects of the Commission's decision on intervals are appropriate under all circumstances. For example, as several states have noted, provisioning intervals longer than 90 days for conditioned physical collocation space are often appropriate. *See e.g.*, Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish a Framework for Network Architecture Development of Dominant Carrier Networks, D.98-12-069, R93-04-003, I.93-04-002, December 17, 1998, pp. 129-30 (California Commission evaluated and rejected CLEC recommendation that existing 120-day physical collocation interval be shortened to 90 days.)

and the provisioning of adjacent structure collocation. Moreover, the record is devoid of any credible evidence that would support the imposed timeframe in these situations.

SBC also requests the Commission specify that in cases where an ILEC receives a high volume of collocation requests attributable to a specific CLEC, the 90 day period for the completion of these requests is to be extended based upon the number of applications received. Unless the Commission takes this action, an ILEC will be penalized for its inability to meet an unexpected spike in demand, the timing of which is completely within the control of a competitor. In other words, a CLEC may ensure the penalization of an ILEC simply by submitting hundreds of collocation requests at the same time, recognizing that the ILEC will be unable to complete all of these requests within the requisite 90 days.

An ILEC's inability to meet the 90-day time interval is of particular concern given the penalties to be uncompromisingly imposed.[2] Penalties generally are intended to deter a party from intentionally engaging in specific unlawful conduct; in these situations, an ILEC does not have control over the actions of third parties which may preclude an ILEC from meeting the 90-day interval. Should the Commission believe that specific time intervals are necessary in these situations, SBC requests that such intervals only be established after a more complete record is developed in response to the Commission's pending Notices of Proposed Rulemaking in the above-captioned dockets.

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[2] Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, *In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition* Provisions *of the Telecommunications Act of 1996,* CC Docket Nos. 98-147, 96-98 (released August 10, 2000).

I. THE 90-DAY PROVISIONING INTERVAL IS NOT SUFFICIENT FOR COLLOCATION REQUESTS PERTAINING TO UNCONDITIONED SPACE.

The Reconsideration Order was the result of a Petition filed by Sprint, which sought a 90-day provisioning interval for conditioned space and a 180-day interval for unconditioned space. No valid evidence was presented demonstrating that an ILEC is capable of preparing unconditioned space in 90 days or less in response to any and all collocation applications.[3]

Since the release of the Reconsideration Order, three ILECs – SBC,[4] Verizon Communications[5] and Qwest[6] – have held ex parte meetings with the Commission in which additional evidence has been presented to support a longer interval for unconditioned space. The record shows that an ILEC is not in control of all of the factors necessary to prepare unconditioned space for collocation. Unconditioned space is simply that, space which lacks the infrastructure necessary to support collocated equipment. To a significant extent, the preparation of this space depends on third party vendors and subcontractors that may or may not be able to meet ILEC deadlines. As an initial step in conditioning this space, the ILEC must order requisite infrastructure equipment and

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[3] Covad in a letter dated January 20, 2000 filed in this proceeding did state that U.S.West was meeting collocation requests within 45 days. However, as Qwest's written ex part submission clarifies, the 45-day period applies only with respect to a specific interconnection order issued by the Montana state commission and only with regard to *cageless* collocation where space and power are available. *See* Ex Parte Letter to Magalie Roman Salas, Secretary of the Federal Communications Commission from Hance Haney, Executive Director – Federal Regulatory of Qwest, dated September 26, 2000.

[4] *See* Ex Parte Letter to Magalie Roman Salas, Secretary of the Federal Communications Commission, from Jared Craighead, Associate Director-Federal Regulatory of SBC, dated August 28, 2000.

[5] *See* Ex Parte Letter to Magalie Roman Salas, Secretary of the Federal Communications Commission, from W. Scott Randolph, Director-Regulatory Matters, Verizon Communications dated September 27, 2000.

[6] *See* Qwest Ex Parte letter cited above in Footnote 3.

telecom equipment bays from manufacturers. An obvious example of the equipment necessary to prepare unconditioned space is that associated with the provisioning of power and HVAC. The time that transpires while the ILEC awaits the delivery of this equipment, as well as the time necessary for the installation and testing of this equipment, is likely to exceed the 90-day period set by the Commission. As evidence of the time it takes to order and receive such equipment, SBC in its Ex Parte, cited a specific situation in which an order for a power plant was placed on April 23,1999. However, the equipment was not available for installation until July of that year and the installation of the equipment was not actually completed until the end of October. This actual case is not a rare occurrence.

In addition to equipment supplier timing issues, unconditioned space also often requires that substantial time be spent on demolishing/constructing walls, ensuring proper floor loading, removing asbestos, installing lighting and electricity and other similar time-intensive, floor space preparation projects. Much of this work cannot be performed concurrently. For example, the installation of equipment and cable racking cannot be undertaken until the asbestos removal is complete. Based on its experiences, SBC is confident in estimating that the preparation of unconditioned space in most situations requires a minimum of six months.[7]

As the Commission itself recognized[8], state commissions are in a unique position to develop collocation intervals. Yet, SBC is unaware of any intervals set by a state commission that do not recognize longer periods of time for the preparation of unconditioned space.

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[7] Attached as Attachment A is a listing of all of the steps required to provision unconditioned space. This schedule does not take into consideration events, such as supplier delay, which are common in an actual case.

[8] Reconsideration Order, *para.* 17-20.

By establishing a single, 90-day provisioning interval for the completion of all physical collocation requests, the Commission has established a threshold that guarantees failure. Past experience demonstrates that unconditioned space can rarely be renovated and prepared within the 90 days currently allowed by the Commission. Nor is it an option for ILECs to renovate this space in advance of the receipt of any collocation request. To do so would divert resources needed for immediate projects, such as actual collocation requests[9], to construction efforts in preparation for a hypothetical and unquantifiable demand. This expenditure and dedication of personnel cannot be justified based on the possibility that the ILEC may, in the future, receive a collocation request for the particular premises.

II. THE COMPLETION OF NON-STANDARD REQUESTS ALSO REQUIRE MORE THAN 90 DAYS.

Much of the same work that is required for unconditioned space often is required for non-standard requests[10] that include collocation. To the extent that such requests may be treated as collocation requests, in the majority of cases, 90 days is insufficient for completion. For instance, if a request for collocation is accompanied by a request for a large, non-standard quantity of power that cannot by met by the existing power plant capacity, SBC may have to augment the existing plant or add an additional plant.[11] This

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[9] Since February 1, 2000, SBC has doubled the number of actual collocation requests completed for a total of approximately 13,500 collocation projects.

[10] A non-standard request is any arrangement requested by a CLEC for equipment, power or space that is not normally offered by SBC to all customers on a standard basis(i.e., as defined and offered in tariffs or in generic, non-arbitrated interconnections agreements).

[11] For instance, the Ameritech ILECs' standard engineering practices (and provisioning of DC power for its own transport-type equipment) provide for a maximum of 60 Fuse Amps of DC power to a BDFB. Any power requirement over 60amps must be engineered (for larger gauge power feeder cables) and may require a power plant augment, which is only determined on a case by case basis as requested, i.e., spare DC power capacity varies by DC. From the beginning of this year until the middle of

activity may involve adding batteries and/or a generator, converting AC to DC power, and expanding power room plant space (with special conditioning requirements, such as extra reinforcement of the floor). A minimum of 180 days is required to meet such a request. When the requesting CLEC only wants the collocation if and when it can get the extra power, it forces SBC to attempt to break the request in two parts and treat collocation separate from the power request or otherwise deal with the request in a way that does not provide comprehensive, coordinated activity. This result does not make sense and does not meet the needs of the CLEC or SBC.

III. NO MAXIMUM PROVISIONG INTERVAL IS APPROPRIATE FOR ADJACENT STRUCTURE COLLOCATION

As to adjacent structure collocation arrangements, no specific maximum interval is appropriate. Instead, collocation should be provisioned on an individual case basis. First, ILECs and CLECs have no experience in provisioning adjacent space collocation arrangements. Out of more than 13,000 collocation arrangements in SBC's 13-state territory, there are zero adjacent space collocation arrangements either in place or in progress. The Commission's policy is to refuse to set collocation intervals in the absence of sufficient experience.

Second, a standard or maximum interval is not feasible or reasonable for adjacent space collocation arrangements because of the vast number of variables involved in provisioning this type of arrangement. These include:

- Power delivery and the size of the cable necessary to ensure the power is delivered safely. Cable size is affected by the amperage requested and the distance from the power source to the collocation arrangement. As distance increases, a larger cable is necessary to conduct the same amount of electricity. Since adjacent structure arrangements are farther away from

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September, the Ameritech ILECs had received 84 non-standard requests that included collocation not counting 162 additional non-standard requests that were "second choices" by one CLEC.

the power source than collocation arrangements within the central office, more engineering is required to determine the appropriate cable size and path to reach the outside arrangement.

- Surface conditions (dirt asphalt, concrete). The delivery of power and cabling to adjacent space arrangements requires conduit to be placed underground for safety. That ground must be trenched. The trenching of the various surface types requires different time elements on a per foot basis. Adding distance to this equation compounds the problem. Additionally, power cables have to be placed in separate conduits than cabling.

- Underground conditions. The following conditions must be accounted for in the engineering process: water pipes, sewer pipes, cable ducts, electrical cables, fuel tanks, etc. These conditions will vary by location, which makes setting any standard interval infeasible.

- City code and zoning restrictions. These regulations vary by municipality, which makes setting any standard interval infeasible.

- Placement of adjacent arrangement. The factors relevant to provisioning include safety, security and building expansion plans.

- Unforeseen obstacles. Neighborhood conditions might preclude working anytime except broad daylight, unavailability of contractors to perform the construction work, etc.

- "Core Boring." Core Boring into the basement of the central office will be necessary to provide an entrance facility for the adjacent structure arrangement. This requirement will entail determining the point or points on the exterior wall that can be drilled without affecting the integrity of the structural load-bearing wall.

- Augments to adjacent space arrangements. As a collocator grows, new entrance facilities and conduit for power of cabling might be needed by the CLEC. Under these circumstances, a specific maximum interval would be wholly inappropriate.

IV. STAGGERED INTERVALS ARE WARRANTED IN A CASE WHERE MULTIPLE COLLOCATION REQUESTS ARE RECEIVED FROM A SINGLE CLEC IN A FIVE-DAY PERIOD.

Requests for collocation are handled on a non-discriminatory, first-come, first-served basis. If a specific CLEC "dumps" an excessive number of collocation

applications in a short time period, other CLECs also seeking to collocate at the ILEC's premises must wait until these prior orders are completed.

An ILEC can only accommodate a certain number of applications at a time and all requests cannot be worked simultaneously. An ILEC cannot staff for an unforeseeable demand. If an ILEC were to employ additional labor to address any level of demand, this action would actually adversely impact efficiency. Each office is planned and designed by a single equipment engineer. The addition of a second engineer would mean that two persons would be making simultaneous decisions about the placement of equipment in a common space. Needless to say, the opportunities for error in an environment where every decision and action would need to be carefully coordinated would be great.

Nor is the flooding of an ILEC with the applications of a single CLEC a fantastical possibility. As Sprint recently testified in Kansas, it could "potentially submit hundreds of applications for collocation at DLCs or requests for space availability reports for DLCs within a few days for a given MSA.[12]"

By following the lead of state commissions and adopting staggered intervals related to the number of requests presented by an individual CLEC in a five-day period, the Commission would curb any anti-competitive abuses by a CLEC. The Commission's adoption of the following staggered intervals would be consistent with state commission precedent:

- a 90 day interval where the CLEC submits no more than 10 applications within a 5 day period;
- a 95 day interval where the CLEC submits 11 to 15 applications within a five day period; and
- a 100 day interval where the CLEC submits 16 to 20 applications within a five day period.

[12] Michael West, Sprint, Direct Testimony from Kansas Docket 733-TAR, April 24, 2000 at p. 9.

Any number of applications exceeding 20 applications would be handled in the same manner. For every additional 5 applications submitted in the five-day period, an additional five days would be added to the interval.

CONCLUSION

SBC requests that the Commission consider this Petition on an expedited basis and eliminate the 90-day provisioning interval for the situations discussed above. Every day that the 90-day interval is in effect increases the likelihood that an ILEC will be unable to comply in a given case and will be subject to substantial penalties as a result. If the Commission believes that intervals that address these circumstances are required, the Commission is urged to consider these issues in the context of its pending Notices of Proposed Rulemaking.

Respectfully Submitted,

SBC COMMUNICATIONS INC.

By: Hope Thurrott

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Roger K. Toppins
Paul Mancini

1401 I Street NW 11th Floor
Washington, D.C. 20005
202-326-8891

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ATTACHMENT A

Southwestern Bell Telephone Company
Physical Collocation Other C.O. Space (180 day) Implementation Steps Delivery Process
October 10, 2000

Interval Period	Collocator	Inter-Exchange Carrier Service Center (ICSC)	Local Provider Account Team (LPAT)	Network Sales Support (NSS)	Corporate Real Estate (CRE)	Collocation Project Manager (CPM)	Transmission Engineering (TEE) Power Engineering
Day O	Collocator Accepts Quote sends initial 50% payment and floorplans – front equipment drawings						
< Week 1		• Notifies NSS of acceptance		• Informs Implementation Team	• Begins site analysis • Prepares firm cage floor plan for handoff meeting		
<Week 2			• Attends handoff meeting • Provides firm floor plans to collocator if revisions required	• Co-chair handoff meeting • Update database with scheduled dates	• Begin construction documents • Submit firm floor plan to LPAT at handoff meeting	• Co-chair handoff meeting • Review application and drawings for accuracy • Initial contact with Collocator to share dates requiring Collocator activity	
<Week 3	Return final floor plan and front equipment drawings		• Receives final floor plan from Collocator and forwards to appropriate groups		• Continues construction documents • Incorporate Collocator floor plan into constructions documents	• Verifies all required information available on floor plan and front equipment drawings	
<Week 4					• Continue construction documents • Provide overall floor plan to TEE and Power Engineering and CPM`		
<Week 5							
<Week 6						• Escorts collocator on an optional prearranged construction inspection • Update database as appropriate	
<Week 7							
<Week 8					• Receive bids from sub-contractors for construction work		• TEE completes TEO • Power equipment ordered

* Note-Reference descriptives to shaded areas.....

Southwestern Bell Telephone Company
Physical Collocation Other C.O. Space (180 day) Implementation Steps Delivery Process
October 10, 2000

Interval Period	Collocator	Inter-Exchange Carrier Service Center (ICSC)	Local Provider Account Team (LPAT)	Network Sales Support (NSS)	Corporate Real Estate (CRE)	Collocation Project Manager (CPM)	Transmission Engineering (TEE) Power Engineering
<Week 9					• Complete contract award and building permit processes • Prepare Method of Procedure (MOP)		
<Week 10							
<Week 11							
<Week 12							• Detailed engineering complete
<Week 13							• Order equipment
<Week 14							
<Week 15							
<Week 16							
<Week 17					• Begin cage construction • Continue overall job construction		
<Week 18							
<Week 19							• Begin equipment installation
<Week 20							
<Week 21						• Site visit verifying job progress • Update database as appropriate	• Install POT frame (SWBT or Collocator)

* Note-Reference descriptives to shaded areas.....

Southwestern Bell Telephone Company
Physical Collocation Other C.O. Space (180 day) Implementation Steps Delivery Process
October 10, 2000

Interval Period	Collocator	Inter-Exchange Carrier Service Center (ICSC)	Local Provider Account Team (LPAT)	Network Sales Support (NSS)	Corporate Real Estate (CRE)	Collocation Project Manager (CPM)	Transmission Engineering (TEE) Power Engineering
<Week 22	Fiber to entrance manhole						
<Week 23			• Contact collocator to supply ID cards, access cards and cage keys at cage turn over.			• Perform power quality check on site – power, grounding and fuse panel • Perform miscellaneous quality check – appropriate equipment installation, stenciling, AC outlets, conduit, etc. • Provide Preliminary Point of Termination (PPOT) information as required	• Cabling complete • Power installation complete
<Week 24						• Accompany engineer on Maintenance Review • Confirm APOT loaded and verified • Escort collocator on an optional prearranged construction inspection • Ensure any deviations noted in Maintenance Review are corrected • Verify Security level and proper activation of card keys..	
<Week 25		• Populate completion dates in database. • Issue orders to begin billing.			• Correct any deviations noted in Maintenance Review • Construction complete	• Notify Collocator of cage completion • Provide completion form with all appropriate dates • Provide APOT	• TEE and Power correct any deviations noted in Maintenance Review
+5 days (maximum)			• Provides completion for and actual point of termination (APOT) information to collocator			• Final walkthrough with Collocator • Cage turnover • Provide Collocator with access cards and keys as appropriate • Cover contact information with Collocator • Resolve any Collocator concerns relative to the cage • Update database as appropriate	

* Note-Reference descriptives to shaded areas.....

CERTIFICATE OF SERVICE

I, Lacretia Hill, do hereby certify that on this 11th day of October, 2000, a copy of the foregoing "Petition" was served by hand delivery to the parties below.

Lacretia Hill

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554